

City Council Meeting Minutes

**May 3, 2016
City Hall, Council Chambers
749 Main Street**

**6:00 pm
SPECIAL MEETING – EXECUTIVE SESSION**

Call to Order – Mayor Muckle called the meeting to order at 6:00 p.m.

Roll Call was taken and the following members were present:

City Council: ***Mayor Robert Muckle, Mayor Pro Tem Lipton; City Council members Sue Loo, Ashley Stolzmann, Jeff Lipton, Jay Keany, (arrived at 6:10 pm,) and Chris Leh***

Absent:

Staff Present: ***Malcolm Fleming, City Manager
Heather Balser, Deputy City Manager
Aaron DeJong, Economic Development Director
Rob Zuccaro, Planning and Building Safety Director
Carol Hanson, Acting City Clerk***

Others Present: ***Sam Light, City Attorney***

EXECUTIVE SESSION

REAL PROPERTY ACQUISITIONS AND DISPOSITIONS

(Louisville Charter, Section 5-2(c) – Authorized Topics – Consideration of real property acquisitions and dispositions, only as to appraisals and other value estimates and strategy and C.R.S. 24-6-402(4)(a)).

The City Manager requested the City Council Convene an Executive Session for the Purpose of Consideration of Potential Real Property Acquisitions and Dispositions concerning property in Louisville.

PENDING LITIGATION

(Louisville Charter, Section 5-2(d) – Authorized Topics – Consultation with an Attorney representing the City with respect to pending litigation and C.R.S. 24-6-402 (4)(b)).

The City Manager and City Attorney requested the City Council convene an Executive Session for the purpose of consultation with an attorney representing the City with respect to potential pending litigation.

City Attorney Light introduced the requests for executive session. The City Manager requested the City Council convene an executive session for the purpose of consideration of potential real property acquisitions and dispositions concerning property in Louisville. The second executive session was at the request of the City Manager and the City Attorney for the purpose of consultation with attorneys representing the City with respect to possible pending litigation.

Acting City Clerk Hanson read Section 2.90.050 – Public statement of the Louisville Municipal Code, which outlines the topics permitted for discussion in an executive session.

City Attorney Light stated the authority to conduct an executive session: (Louisville Charter, Section 5-2(c) – Authorized Topics – Consideration of real property acquisitions and dispositions, but only as to appraisals and other value estimates and strategy, and C.R.S. 24-6-402(4)(a)). The authority for the second executive session is (Louisville Charter, Section 5-2(d) – Authorized Topics – Consultation with an attorney representing the City with respect to pending litigation and C.R.S. 24-6-402(4)(b)).

MOTION: Mayor Muckle moved the City Council adjourn to executive session for the purpose of consideration of potential real property acquisitions and dispositions concerning property in Louisville, but only as to appraisals and other value estimates and strategy, and the session include the City Council, City Manager, City Attorney, Economic Development Director, Planning and Building Safety Director, Deputy City Manager and Special Counsel (Malcolm Murray). Council member Loo seconded the motion. The motion carried by a vote of 6-0. Absent: Council member Keany

MOTION: Mayor Muckle moved the City Council adjourn to executive session for the purpose of consultation with respect to pending litigation and the executive session include the City Council, City Manager, City Attorney, Economic Development Director, Planning and Building Safety Director, Deputy City Manager and Special Counsel (Malcolm Murray). Mayor Pro Tem Lipton seconded the motion. The motion carried by a vote of 6 -0. Absent: Council member Keany.

The City Council adjourned to executive session at 6:10 p.m.

The Special City Council meeting reconvened at 7:16 p.m.

REPORT – DISCUSSION/DIRECTION/ACTION – REAL PROPERTY DISPOSITION AND PENDING LITIGATION

City Attorney Light noted a special meeting began at 6:00 p.m. for the purpose of an executive session in which the City Council discussed a matter concerning real property acquisitions and dispositions in Louisville as well as a matter regarding pending litigation. Council members did not have time to complete their discussion and he stated if their desire was to continue the special meeting, a motion could be made to re-convene immediately after the regular meeting.

MOTION: Mayor Muckle moved Council re-convene the special meeting for purposes of an executive session immediately following adjournment of the regular meeting. Seconded by Council member Stolzmann. All in favor.

City Attorney Light noted upon re-convening the special meeting, the same procedures would be followed using the same agenda for the executive session.

ADJOURN TO REGULAR MEETING

Regular Meeting Agenda

Call to Order – Mayor Muckle called the meeting to order at 7:16 p.m.

Roll Call was taken and the following members were present:

City Council: *Mayor Muckle, City Council members: Jeff Lipton, Ashley Stolzmann, Dennis Maloney, Chris Leh, Susan Loo and Jay Keany*

Staff Present: *Malcolm Fleming, City Manager
Heather Balser, Deputy City Manager
Aaron DeJong, Director of Economic Development
Rob Zuccaro, Planning & Building Safety Director
Carol Hanson, Acting City Clerk*

Others Present: *Sam Light, City Attorney*

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Council member Keany. All were in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Frosty Wooldridge, 1458 Ford Place, Louisville, CO noted he moved to Louisville in 1990. When he first moved here, Louisville was a little, nice town. He felt the world is moving toward human over population. Colorado is growing quickly. He asked Louisville to create a population stabilization policy.

Debby Fahey, 1118 W. Enclave Circle, Louisville, CO noted tomorrow there is an open house at the Recreation Center as part of the recreation center expansion process. There will be sketches of the proposed expansion. Saturday, May 7 there will be a series of landmarking ceremonies for the structures recently landmarked in Louisville.

Eric Hartrnft, 817 Lincoln Avenue, Louisville, CO understood at the last Council meeting there was discussion of putting an extension of the historic preservation tax on the ballot in 2016. He was very supportive of going forward and putting it on the ballot. He felt a lot of good has been done with the preservation fund and there is a lot more to be done. Other communities are envious of the historic preservation Louisville has been able to achieve. Louisville stands out in the preservation of its heritage in a proactive, not punitive way. The preservation program is innovative and he volunteered to help with getting the extension on the ballot this year.

APPROVAL OF THE CONSENT AGENDA

Mayor Muckle called for changes to the consent agenda and hearing none, moved to approve the consent agenda, seconded by Council member Stolzmann. All were in favor.

- A. *Approval of the Bills***
- B. *Approve Resolution No. 20, Series 2016 – A Resolution Extending the Recreation/Senior Center Expansion Task Force***
- C. *Approve Resolution No. 21, Series 2016 – A Resolution Amending Resolution No. 4, Series 2014, A Resolution Establishing a Revolving Loan Program Within the Historic Preservation Fund to Encourage Landmark Designations and Rehabilitation of Historic Properties in the City of Louisville***
- D. *Approve Resolution No. 22, Series 2016 – A Resolution Approving an Intergovernmental Agreement Between Boulder County and the City of Louisville Concerning Boulder County's Environmental Sustainability Matching Grant Program for a Residential Outdoor Irrigation Water Conservation Pilot Program and Business Sustainability Improvements***
- E. *Approve Resolution No. 23, Series 2016 – A Resolution Approving an Intergovernmental Agreement with the Colorado Department of Transportation to Delineate Construction and Maintenance***

Responsibilities for the US 36 Bikeway Constructed as part of the US 36 Managed Lane Bus Rapid Transit Project.

- F. Approve Contract Between the City of Louisville and Hatch Mott MacDonald for the Sid Copeland Water Treatment Plant High Zone Pump Station Improvement Design***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Mayor Muckle thanked Mr. Wooldridge for the comments and noted the Comprehensive Plan contains an upper limit on population. A lot of thought has gone into how much Louisville can grow and when it must stop.

Council member Leh noted although there are upper limits on population however there are not limitations on anyone's race, religion or national origin.

Mayor Muckle noted the open house the Task Force is holding concerning the recreation center expansion will be at the Recreation Center at 10:30 a.m. and 6:00 p.m. on May 4.

CITY MANAGER'S REPORT

No report.

REGULAR BUSINESS

OLDER AMERICANS MONTH PROCLAMATION

Mayor Muckle read the proclamation recognizing and proclaiming May as Older Americans Month and presented it to Katie Beasley, Senior Services Supervisor.

Senior Service Supervisor Beasley noted members of the Senior Advisory Board, Debby Fahey, Rosie Gilbert, Dede King, and Doris Fasbender, were present to also accept the proclamation.. Ms. Beasley thanked Council members for their support of the seniors and their activities in Louisville.

Mayor Muckle thanked the members of the Senior Advisory Board for all they do.

ORDINANCE NO. 1718, SERIES 2016 – AN ORDINANCE AMENDING SECTIONS 5.10.140 AND 5.11.150 OF THE LOUISVILLE MUNICIPAL CODE TO EXPAND HOURS OF OPERATION FOR MEDICAL MARIJUANA CENTERS AND RETAIL MARIJUANA STORES – 2nd Reading – Public Hearing

City Attorney Light introduced Ordinance No. 1718, Series 2016.

Mayor Muckle opened the public hearing and called for a staff presentation.

Acting City Clerk Hanson stated currently, the Louisville Municipal Code (LMC) restricts the hours of operation for a medical marijuana center to hours between 8:00 a.m. and 7:00 p.m. Retail marijuana stores may be open for business between the hours of 8:00 a.m. and 8:00 p.m. State law allows both to be open until midnight and provides local authorities the option of being more restrictive with the hours of operation.

On March 28, 2016, the Local Licensing Authority (LLA) discussed changing the hours of operation for both medical and recreational marijuana businesses. The Police Department reported the two businesses currently in town have caused little impact on their workload and they have no reason to object to the increased hours. The two current businesses are in an area of town, just off of US 36, where any traffic impact will be minimal to residential areas. After review, the LLA proposed changing the Code to allow both medical and recreational marijuana centers to stay open until midnight.

Boulder currently allows marijuana businesses to be open until 7 p.m. and Lafayette recently expanded the hours until 10 p.m. and an email sent today to Council notes Boulder County has expanded the hours to 10 p.m.

COUNCIL QUESTIONS

Council member Loo asked what the hours are outside of the Boulder area. Acting City Clerk Hanson noted there are only a few in the metro area open until midnight. City Attorney Light added Denver has a 7 p.m. close and Glendale allows the stores to stay open until midnight.

Council member Maloney asked what the hours of operation are for liquor stores. It was noted liquor stores are allowed to be open from 8 a.m. until midnight.

Mayor Pro Tem Lipton asked if the discussion by the Local Licensing Authority was prompted by one of the current marijuana businesses. The answer was yes.

Mayor Muckle called for public comment and hearing none, called for Council comment.

COUNCIL COMMENTS

Council member Keany said after reading the email from Boulder County and realizing Louisville would be the only town in the area open until midnight, he supported limiting the hours to 10 p.m.

Council member Stolzmann noted the area around the marijuana businesses has had an increased police presence and she felt it is now actually a safer area at night. She did not see a reason to unnecessarily limit hours for adults to make a purchase. She supported a midnight close for the businesses.

Council member Maloney didn't view this any different than a liquor store. He noted the comments from the Police Department of the small impact by the two marijuana businesses. He supported the midnight closing time.

Council member Loo has gone on two ride-alongs with the Police Department and saw activity pick up around midnight. She wondered about the capacity of the Police Department to handle anything that might be added by increasing the hours. She wanted to continue a go slow approach and supported the closing hour set at 10:00 p.m.

Council member Leh felt there could be an incentive to come to Louisville after hours if the businesses are closed in other communities. He supported a 10 p.m. close.

Council member Keany didn't want to become the magnet for the after-hours crowd. He supported 10 p.m. as the closing time.

Mayor Muckle supported continuing the go slow approach and setting the closing hour at 10 p.m.

Mayor Muckle called for public comment and hearing none, closed the public hearing.

MOTION: Council member Keany moved Council approve Ordinance No. 1718, Series 2016 with an amended closing hour of 10:00 p.m. for both medical and retail instead of midnight. Mayor Muckle seconded.

Council member Stolzmann felt this was an emotionally driven restriction. She understood the concerns, but did not see any public outcry and believed the voters asked it to be treated like alcohol.

Mayor Pro Tem Lipton stated he understood the arguments for each of the suggested closing times. He noted this is a State issue and should be treated like alcohol sales and was uncomfortable with restricting the marijuana business hours.

Mayor Muckle noted the state does allow the local jurisdiction to restrict the hours.

SECOND MOTION: Council member Stolzmann moved to approve Ordinance No. 1718, Series 2016 as written. Council member Maloney seconded. Roll Call Vote: 3-4 Council member Loo, Council member Keany, Council member Leh and Mayor Muckle voting no. Motion fails.

ROLL CALL VOTE ON FIRST MOTION:

Roll Call Vote on Motion amending the hours to 10:00 p.m. 7-0 Motion approved.

COAL CREEK STATION

ORDINANCE NO. 1719, SERIES 2016 – AN ORDINANCE APPROVING THE VACATION OF CERTAIN STREETS, ALLEYS AND SIDEWALK, ACCESS, AND OTHER EASEMENTS WITHIN THE PLATS OF CALEDONIA PLACE, ROBERT DIGIACOMO ADDITION AND COAL CREEK STATION FILING NO. 2 IN THE CITY OF LOUISVILLE – 1st Reading – Set Public Hearing 05/17/2016

RESOLUTION NO. 24, SERIES 2016 – A RESOLUTION TO APPROVE A FINAL PLAT AND PLANNED UNIT DEVELOPMENT (PUD) TO CONSTRUCT A MIXED USE DEVELOPMENT INCLUDING 29,472 SQUARE FEET OF COMMERCIAL AND 51 RESIDENTIAL UNITS AT COAL CREEK STATION – 1st Reading – CONTINUE TO 05/17/2016

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1719, Series 2016 and Resolution No. 24, Series 2016. Staff recommended City Council set a public hearing on May 17, 2016 and also continue the companion resolution to May 17, 2016

MOTION: Mayor Muckle moved to approve Ordinance No. 1719, Series 2016 on first reading, ordered it published and a public hearing be set for May 17, 2016, seconded by Council member Keany. All were in favor.

Resolution No. 24, Series 2016 was continued to May 17, 2016.

CITY ATTORNEY'S REPORT

No report.

COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS

Mayor Muckle noted Council would like to reconvene the Special Meeting and go into executive session.

EXECUTIVE SESSION

REAL PROPERTY ACQUISITIONS AND DISPOSITIONS

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PENDING LITIGATION

(Louisville Charter, Section 5-2(d) – Authorized Topics – Consultation with an Attorney representing the City with respect to pending litigation and C.R.S. 24-6-402 (4)(b)).

City Attorney Light stated to re-convene the Special Meeting and go into Executive Session, he suggested procedure be followed and asked the Acting City Clerk to read the public statement.

Acting City Clerk Hanson read Section 2.90.050 – Public statement of the Louisville Municipal Code, which outlines the topics permitted for discussion in an executive session.

City Attorney Light stated the authority to conduct an executive session: (Louisville Charter, Section 5-2(c) – Authorized Topics – Consideration of real property acquisitions and dispositions, but only as to appraisals and other value estimates and strategy, and C.R.S. 24-6-402(4)(a)). The authority for the second executive session is (Louisville Charter, Section 5-2(d) – Authorized Topics – Consultation with an attorney representing the City with respect to pending litigation and C.R.S. 24-6-402(4)(b)).

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The City Manager and City Attorney requested the City Council convene an Executive Session for the purpose of consultation with an attorney representing the City with respect to pending litigation, which in this case involves a situation where a lawsuit may result.

MOTION: Mayor Muckle moved the City Council adjourn to executive session for the purpose of consultation with respect to pending litigation and the executive session include the City Council, City Manager, City Attorney, Economic Development Director, Planning and Building Safety Director and Deputy City Manager. Council member Stolzmann seconded the motion. The motion carried by a vote of 7 -0.

The City Council adjourned to executive session at 8:00 p.m.

The Special City Council meeting reconvened at 10:17 p.m.

**REPORT – DISCUSSION/DIRECTION/ACTION – REAL PROPERTY DISPOSITION
AND PENDING LITIGATION**

City Attorney Light reported in executive session the City Council discussed a matter concerning real property acquisitions and dispositions in Louisville. Staff was given direction by the City Council on strategies for potential acquisition. In the second executive session the City Council discussed a matter regarding potential litigation. The City Attorney was consulted on legal strategy and answered legal questions regarding threat of litigation.

ADJOURN

MOTION: Mayor Muckle moved for adjournment, seconded by Council member Maloney. All were in favor. The meeting was adjourned at 10:20 p.m.

Robert P. Muckle, Mayor

Carol Hanson, Acting City Clerk